

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fischer *et al.*

Appl. No.: 10/563,794

35 U.S.C. 371(c) Date: April 2, 2007

**For: Active Agents Combination  
Exhibiting Insecticidal and  
Acaricide Properties**

Confirmation No.: 3039

Art Unit: 1616

Examiner: Pryor, Alton Nathaniel

Atty. Docket: 2400.0160000/JMC/THN

**Reply to Election of Species Requirement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated December 28, 2010, requesting an election of a single species and, specifically, a single compound of formula (I) and a single compound of formula (II), to prosecute in the above-referenced patent application, Applicants hereby provisionally elect the following species:

- 1) compound (I-4) as a single compound of formula (I); and
- 2) compound (II-1) as a single compound of formula (II).

Compound (I-4) is described in the table at page 15 (the 4<sup>th</sup> compound) of the specification as originally filed. Compound (II-1) is described at page 10, lines 17-18 of the specification as originally filed.

Claims 1-10, 12 and 13 read upon this elected species. Applicants assert the right to claim additional species in the event that a generic claim hereto is found allowable in accordance with 37 C.F.R. § 1.141(a).

This election is made without traverse. To the extent that this election of species requirement as between compounds is treated as a restriction requirement, and/or to the

extent that examination is not conducted pursuant to guidelines set forth at M.P.E.P. § 821.04, Applicants traverse.


Reconsideration of the Election of Species Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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Date: Jan. 25, 2011

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